

January 24, 2001

TO: Mayor and City Council

FROM: Douglas C. Mousel, Senior Planner

SUBJECT: Results of the Planning & Zoning Commission meeting January 23, 2001

The following item is scheduled for the February 6, 2001 City Council Meeting

Site Plan & Final Plat: Phelps and Wood Addition, Block 1, Lot 1
Applicant(s): Metricom, Architects Phelps/Wood, and Whalen & Company

DESCRIPTION:

An existing office and an existing tower on one lot on 1.0± acre on the southeast corner of F.M. 720 (Main Street) and Taft Powell Road. Zoned Agricultural with Specific Use Permit-51 for a Telecommunications Antenna. Neighborhood #18.

APPROVED: 4-0 **DENIED:** _____ **TABLED:** _____

RECOMMENDATION:

Recommended for approval subject to:

Site Plan

1. Staff approval of landscape plans.
2. Board of Adjustment approval to expand a nonconforming structure and use.
3. Board of Adjustment approval of a variance to the minimum lot area requirement.

Final Plat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

DM/sg

cc: Metricom 972-543-2310
Ed Ritchie 214-67/-9524
Frank Jaromin
Donnie Mayfield
Mack Borchardt

Agenda No.: 3D

Site Plan & Final Plat: Phelps and Wood Addition, Block 1, Lot 1

Applicant(s): Metricom, Architects Phelps/Wood, and Whalen & Company

Description:

An existing office and an existing tower on one lot on 1.0± acre on the southeast corner of F.M. 720 (Main Street) and Taft Powell Road. Zoned Agricultural with Specific Use Permit-51 for a Telecommunications Antenna. Neighborhood #18.

Remarks:

The site plan shows an existing office and an existing tower with several antennas. The height of the tower is 147.4 feet. The applicant is proposing to add an additional antenna and the associated service equipment to the site. Access is provided to the office from Taft Powell Road and to the tower from F.M. 720 (Main Street). All driveways are existing.

The final plat dedicates an access easement to provide access to the tower and dedicates right-of-way for Taft Powell Road.

Expansion of Nonconforming Use and Structure

In the Office-2, Retail, Original Town Residential and Original Town Commercial, Highway, Commercial-1, Commercial-2, Corporate Office, Information & Technology, and Industrial districts, Antennas (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) are permitted upon approval of a Specific Use Permit. In the Agricultural, Office-1, Neighborhood Services, and all residential districts other than the Original Town Residential district, Antennas (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) are prohibited. Antennas are prohibited in these districts to limit the impact of the height of the associated towers on residential uses. Although Antennas (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) are prohibited in the Agricultural district, the tower was constructed prior to the annexation of this property into the City of Frisco. The property was annexed by the City on December 17, 1996. The Zoning Ordinance also requires towers to be setback a distance equal to or greater than the height of the tower from areas zoned residential or shown as residential on the Future Land Use Plan. The tower is located within an area shown as Single-Family Residential on the Future Land Use Plan. For these reasons, the tower and antennas are nonconforming uses.

An antenna was added to the tower and service equipment was added to the property following the approval of Specific Use Permit-51 for a Telecommunications Antenna by the City Council on August 18, 1998. This Specific Use Permit was erroneously approved. The Zoning Ordinance does not allow a Specific Use Permit to be issued for an Antenna (Commercial, Radio, TV, Relay, or Microwave over 50 Feet) in the Agricultural district. The applicant was incorrectly directed by previous Planning staff to apply for a Specific Use Permit. Rather than being directed to obtain a Specific Use Permit, the applicant should have been directed to the Board of Adjustment to request the expansion of a nonconforming use. Nonconforming uses may only be expanded by approval of the Board of Adjustment. The applicant has submitted a request to the Board of Adjustment to expand the nonconforming use.

Although staff is skeptical about prolonging the existence of a communications tower in an area envisioned as a future single-family neighborhood, the height of the tower is minimal compared to other towers in the City. The tower on the west side of Preston Road, 700± feet north of County Road 24 is 230 feet in height and the tower on the north side of Griffin Road, west of future Spring Creek Parkway is 240 feet in height. The AT&T tower at the northwest corner of County Road 71 (Coit Road) and County Road 22 (Eldorado Parkway) is 340 feet in height. The height of the large tower at the northeast corner of F.M. 423 and F.M. 720 (Main Street) is unknown. Because the City of Frisco supports the co-location of antennas and due to the nominal height (less than 150 feet), staff supports the request to expand the nonconforming use with a condition that the maximum height of the tower remain as the existing height of 147.4 feet. Preventing the placement of additional antennas on this existing tower may encourage the need for additional towers in the near vicinity.

Variance Request

The Agricultural district requires a minimum lot area of two acres. The applicant is requesting a variance to this requirement, because the property consists of only one acre. A request for a variance may not be forwarded to the Board of Adjustment until the applicable preliminary site plan, site plan, preliminary plat or final plat for the property has been acted upon by the Planning & Zoning Commission and City Council.

Staff supports the request for a variance. The applicant owned the property prior to annexation. The owner does not own any of the surrounding properties. The property is zoned Agricultural. The Agricultural district is generally viewed as temporary zoning until permanent zoning is assigned to a property. When permanent zoning is assigned to the property, the property will be required to comply with all development standards.

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